

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: GENEART AGApplication No./Patent No.: 10/539,208 Filed/Issue Date: May 24, 2006

Entitled: METHOD AND DEVICE FOR OPTIMIZING A NUCLEOTIDE SEQUENCE FOR THE PURPOSE OF EXPRESSION OF A PROTEIN

GENEART AG

(Name of Assignee)

, a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest in;
2.  an assignee of less than the entire right, title and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3.  the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 018091, Frame 0422, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

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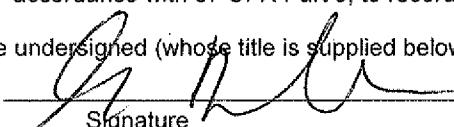
3. From: \_\_\_\_\_ To: \_\_\_\_\_

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Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet(s). As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

May 26, 2010

Date



Signature

Aslan Baghadtadi, Reg. No. 34,542

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.





UNITED STATES PATENT AND TRADEMARK OFFICE

**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE**

AUGUST 11, 2006

PTAS



\*103275044A\*

MICHAEL BEDNAREK  
PILLSBURY WINTHROP SHAW  
PITTMAN LLP  
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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 07/11/2006

REEL/FRAME: 018091/0422  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: B&B-135 (524283-0320134)

ASSIGNOR:  
RAAB, DAVID

DOC. DATE: 06/09/2006

ASSIGNOR:  
GRAF, MARCUS

DOC. DATE: 06/09/2006

ASSIGNOR:  
NOTKA, FRANK

DOC. DATE: 06/09/2006

ASSIGNOR:  
WAGNER, RALF

DOC. DATE: 06/20/2006

ASSIGNEE:  
GENEART AG  
JOSEF-ENGERT-STRSSE 11  
REGENSBURG, GERMANY 93053

SERIAL NUMBER: 10539208

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

TITLE: METHOD AND DEVICE FOR OPTIMIZING A NUCLEOTIDE SEQUENCE FOR THE  
PURPOSE OF EXPRESSION OF A PROTEIN

SHARON BROOKS, EXAMINER  
ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

07-14-2006

Ref. No.: B&B-135 (S24283-0320134)

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

JUL 11 2006

P

Tab settings

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

David RAAB  
Marcus GRAF  
Frank NOTKA  
Ralf WAGNER

7-11-06

103275044

2. Name and address of receiving party(ies):

Name: GENEART AG

Address: JOSEF-ENGERT-STRASSE 11

Additional name(s) of conveying party(ies)

Yes  No

3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other

Execution Date: June 9, 2006 & June 20, 2006

City: 93053 REGENSBURG State/Prov.: \_\_\_\_\_

Country: GERMANY ZIP: 93053

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Patent Application No. Filing date

B. Patent No.(s)

10/539,208 06/17/2005

07/13/2006 DBYRNE 00000075 033975 10539208  
01 FC:8021 40.00 DA

Additional numbers

The PTO did not receive the following  
listed item(s) 4 credit \$40.00

Yes  No

5. Name and address of party to whom correspondence  
concerning document should be mailed:

Name: MICHAEL BEDNAREK

Registration No. NO. 32,329

Address: PILLSBURY WINTHROP SHAW

PITTMAN LLP

1650 TYSONS BOULEVARD

City: MCLEAN State/Prov.: VA

Country: USA ZIP: 22102

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41): \$ 40.00

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03-3975

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy  
of the original document.

MICHAEL BEDNAREK

Name of Person Signing

Signature

JULY 11, 2006

5

Date

Total number of pages including cover sheet, attachments, and

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Director of the United States Patent and Trademark Office  
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A S S I G N M E N T

WHEREAS, David Raab, residing at Gottfried Kolwel Platz 1, 93176 Beratshausen, Germany; Marcus Graf, residing at Luitpoldstr. 15b, 93047 Regensburg, Germany; Frank Notka, residing at Frankiskanerplatz 19, 93059 Regensburg, Germany; and Ralf Wagner, residing at Roter Brach Weg 29, 93049 Regensburg, Germany; (hereinafter "Assignors") have invented certain new and useful improvements in

**METHOD AND DEVICE FOR OPTIMIZING A NUCLEOTIDE SEQUENCE FOR THE  
PURPOSE OF EXPRESSION OF A PROTEIN**

for a full description of which, reference is here made to an application for Letters Patent of the United States of America

- Executed concurrently herewith
- Executed on
- Serial. No. 10/539,208, filed **JUNE 17, 2005**

in the U.S. Patent and Trademark Office and to U.S. provisional patent application(s)

- Serial. No. , filed

in the U.S. Patent and Trademark Office; and

WHEREAS, Geneart AG, a German corporation, having its principal office and place of business at Josef-Engert-Strasse 11, 93053 Regensburg, Germany (hereinafter "Assignee") is desirous of acquiring the entire right, title, and interest in, to, and under said invention and application above identified, and in, to, and under any Letters Patent that may be obtained for said invention, together with all foreign rights corresponding thereto, as hereinafter more fully set forth.

**ASSIGNMENT****DOCKET NO. B&B-135**

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that, for good and valuable and legally sufficient consideration, the receipt of which by each Assignor from Assignee is hereby acknowledged, Assignors have agreed to sell, assign, and transfer and by these presents does hereby, sell, assign, and transfer unto Assignee the entire right, title and interest in, to, and under said invention and application above identified and Letters Patent of the United States of America that may be obtained in respect thereof; any corresponding applications for Letters Patent and Letters Patent therefor in all other areas of the world; and any reissues, extensions, substitutions, confirmations, divisions, and continuations of any of the foregoing (hereinafter "Invention Rights"), to have and to hold for the sole and exclusive use and benefit of Assignee forever.

Assignors hereby covenant and agree, for themselves and for their respective legal representatives, to assist and cooperate with Assignee in the preparation and prosecution of any applications included within the Invention Rights and in the prosecution or defense of any interference, opposition, or other proceeding that may arise in connection with any applications or Letters Patent included within the Invention Rights and further to execute and deliver to Assignee any and all additional papers that may be requested by Assignee for the purpose of implementing the terms of this **ASSIGNMENT**.

Assignors hereby authorize and empower Assignee to invoke and claim for any applications or Letters Patent included within the Invention Rights the benefit of any rights to which Assignors might be entitled under international law or under the laws of any particular country (such as, without limitation, the right of priority provided by the International Convention for the Protection of Industrial Property, as amended) and to invoke and claim said rights without further written or oral authorization from Assignors.

Assignors hereby consent that a copy of this **ASSIGNMENT** shall be deemed a full legal and formal equivalent of any assignment, consent to file, or like document that

**ASSIGNMENT****DOCKET NO. B&B-135**

may be required in any particular country for any purpose and more particularly in proof of the right of Assignee to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended.

Assignors covenant and agree that this **ASSIGNMENT** and all of the terms hereof shall inure to the benefit of the successors, assigns, legal representatives, or nominees of Assignee, without further written or oral authorization from Assignors.

Assignors hereby authorize and request Assignee to fill in the following blanks specifying the United States Serial No. and filing date for said application above identified:

U.S. Serial No.: 10/539,208

Filed: June 17, 2005

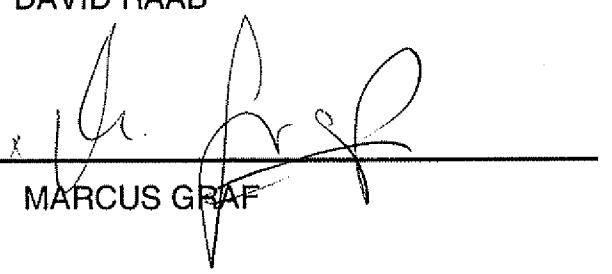
but Assignee's failure to do so shall have no bearing whatsoever upon the validity or legal effect of this **ASSIGNMENT**.

Assignors hereby authorize and request the Commissioner of Patents and the United States Patent and Trademark Office to issue Letters Patent to Assignee in accordance with the terms of this **ASSIGNMENT**.

SIGNATURE: 

Date: 9.6.06

NAME: DAVID RAAB

SIGNATURE: 

Date: 9.6.06

NAME: MARCUS GRAF

ASSIGNMENT

DOCKET NO. B&B-135

SIGNATURE: 

Date: 26.06.

NAME: FRANK NOTKA

SIGNATURE: 

Date: 20. JUNI 2006

NAME: RALF WAGNER